

INTERNET
FORM NLRB-508
(2-08)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST LABOR ORGANIZATION
OR ITS AGENTS

FORM EXEMPT UNDER 44 U.S.C. 3512

DO NOT WRITE IN THIS SPACE

Case	Date Filed
4-CB-10581	10/22/10

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT

a. Name Teamsters Local 312	b. Union Representative to contact (b) (6), (b) (7)(C)
c. Address (Street, city, state, and ZIP code) 1 E. 15th Street Chester, PA 19013	d. Tel. No. 610-876-0391 f. Fax No. 302-475-2297
	e. Cell No. g. e-Mail

h. The above-named organization(s) or its agents has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (list subsections) 3 of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Although the parties reached an agreement, the Union has since refused to sign a contract and has recanted its agreement.

3. Name of Employer Majestic Management Corporation d/b/a Wyndham Gardens Philadelphia Airport	4a. Tel. No. 610-521-2400 c. Fax No. 610-521-4107	b. Cell No. d. e-Mail
5. Location of plant involved (street, city, state and ZIP code) 45 Industrial Highway Essington, PA 19029	6. Employer representative to contact Robert G. Brody	
7. Type of establishment (factory, mine, wholesaler, etc.) Hotel	8. Identify principal product or service Rental of rooms and facilities	9. Number of workers employed 110
10. Full name of party filing charge (b) (6), (b) (7)(C)	11a. Tel. No. 610-521-2400 c. Fax No. 610-521-4107	b. Cell No. d. e-Mail
11. Address of party filing charge (street, city, state and ZIP code.) 45 Industrial Highway Essington, PA 19029		

12. DECLARATION

I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief.

By Robert G. Brody Robert G. Brody
(signature of representative or person making charge) (Print/type name and title or office, if any)

179 Post Road West, Westport, CT 06907

Address (date) 10/21/10

Tel. No.	203-965-0595
Cell No.	
Fax No.	203-965-0569
e-Mail	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



United States Government
NATIONAL LABOR RELATIONS BOARD
Region Four
615 Chestnut Street - Seventh Floor
Philadelphia, PA 19106-4404

Telephone: (215) 597-7601
Fax: (215) 597-7658

October 22, 2010

(b) (6), (b) (7)(C)

International Brotherhood
of Teamsters Local 312
1 East 15th Street
Chester, PA 19013

Re: International Brotherhood of Teamsters Local 312
(Majestic Management Corporation d/b/a
Wyndham Gardens Philadelphia Airport)
Case 4-CB-10581

Dear **(b) (6), (b) (7)(C)**

A charge has been filed with this office alleging that you have engaged and are engaging in unfair labor practices within the meaning of the National Labor Relations Act, as amended. A copy of the charge is herewith served upon you. Also enclosed is a copy of Form NLRB 4541, pertaining to our investigation and voluntary adjustment procedures, and memorandum outlining procedures and practices for electronic communications with Regional Offices.

Attention is called to your right, and the right of any party, to be represented by counsel or other representative in any proceedings before the National Labor Relations Board and the Courts. In the event you choose to have a representative appear on your behalf, please have your representative complete Form NLRB 4701, and forward it promptly to this office.

FILING DOCUMENTS WITH REGIONAL OFFICES: The Agency is moving toward a fully electronic records system. To facilitate this important initiative, the Agency strongly urges all parties to submit documents and other materials (except unfair labor practice charges and representation petitions) to Regional Offices through the Agency's E-Filing system on its website: <http://www.nlrb.gov> (See Attachment to this letter for instructions). Of course, the Agency will continue to accept timely filed paper documents.

Please be advised that under the Freedom of Information Act, unfair labor practice charges and representation petitions are subject to prompt disclosure to members of the public upon request. In this regard, you may have received a solicitation by organizations or persons who have obtained public information concerning this matter and who seek to represent you before our Agency. You may be

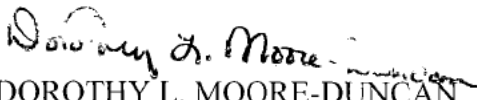
assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board; their information regarding this matter is only that which must be made available to any member of the public.

Your cooperation with this office is invited so that all facts of the case may be considered. Accordingly, you are requested to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge. However, the submission of a position letter, or memorandum, or the submission of affidavits not taken by a Board Agent does not constitute full and complete cooperation. Full cooperation consists of permitting the assigned Board Agent to take sworn affidavits from relevant witnesses. Absent your willingness to submit such evidence, the Regional Office will decide the merits of this matter on the evidence available.

Please be advised that evidence and statements of position submitted by the parties will be used by the Agency without qualification or condition. If conditions are incorporated into position statements or evidence submitted during the investigation, they will be disregarded and such position statements or evidence will be considered in the investigation and may be introduced into the record in the event the matter is litigated.

All communications and submissions should be made to the Board Agent indicated below. Assistance is available from the National Labor Relations Board for persons with limited English proficiency. Requests for such assistance should be communicated to the assigned Board Agent as early in the course of the proceeding as possible.

Very truly yours,


DOROTHY L. MOORE-DUNCAN
Regional Director

Case assigned to: Brian Astrup
Telephone Number: (215)597-7648
Email: Brian.Astrup@nlrb.gov

Supervisor: Donald M. Spooner
Telephone Number: (215)597-7630
Email: Donald.Spooner@nlrb.gov

cc:

(b) (6), (b) (7)(C)

45 Industrial Highway
Essington, PA 19029

Majestic Management Corporation d/b/a
Wyndham Gardens Philadelphia Airport
45 Industrial Highway
Essington, PA 19029

Mr. Robert G. Brody
179 Post Road West
Westport, CT 06907

DLMD/jtj

**NATIONAL LABOR RELATIONS BOARD
AFFIDAVIT OF SERVICE**

**International Brotherhood
of Teamsters Local 312**

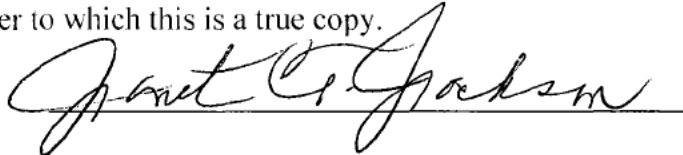
and

(b) (6), (b) (7)(C)

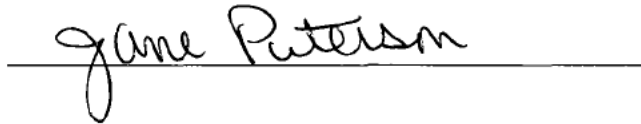
**Donald M. Spooner
Brian Astrup**

CASE NO. 4-CB-10581

I certify that I served the above referred to charge this day by postpaid first class mail on the addressee(s) named above, together with a transmittal letter to which this is a true copy.



Subscribed and sworn to before me October 22, 2010.





**United States Government
NATIONAL LABOR RELATIONS BOARD
Region Four
615 Chestnut Street - Seventh Floor
Philadelphia, PA 19106-4404**

Telephone: (215) 597-7601
Fax: (215) 597-7658

October 22, 2010

(b) (6), (b) (7)(C)

45 Industrial Highway
Essington, PA 19029

Re: International Brotherhood of Teamsters Local 312
(Majestic Management Corporation d/b/a
Wyndham Gardens Philadelphia Airport)
Case 4-CB-10581

Dear **(b) (6), (b) (7)(C)**

The charge that you recently filed has been assigned the above case number and will be investigated by the Board agent whose name, telephone number and E-mail address is listed below. Please note that the agent may be unable to access E-mails when the agent is away from the office. For that reason, you are encouraged to submit all your evidence to the agent through the Agency's E-Filing system, described below. On all correspondence regarding this charge, please include the case name and number indicated above.

Presentation of Your Evidence: It is important that you promptly submit your evidence to the Board agent so we may investigate your charge. If you have not yet set a date and time to present evidence in support of this charge, please contact the Board agent as soon as possible to schedule a time to present your evidence. If you are a non-English speaker and need assistance, please inform the Board agent assigned to this case.

FILING DOCUMENTS WITH REGIONAL OFFICES: The Agency is moving toward a fully electronic records system. To facilitate this important initiative, the Agency strongly urges all parties to submit documents and other materials (except unfair labor practice charges and representation petitions) to Regional Offices through the Agency's E-Filing system on its website: <http://www.nlrb.gov> (See Attachment to this letter for instructions). Of course, the Agency will continue to accept timely filed paper documents.

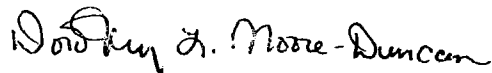
Procedures: If you have an E-mail address, please provide that address to the agent in order to expedite our communication with you. Customer service standards concerning the processing of unfair labor practice cases are available upon request from the Regional Office or by clicking the Public Notices button on the agency's website, www.nlrb.gov.

Right to Representation: Attention is called to your right, and the right of any party, to be represented by an attorney or other representative in any proceeding before the National Labor Relations Board and the courts. If you wish to have a representative appear on your behalf, please have your attorney or other representative complete the enclosed Form NLRB-4701, Notice of Appearance, and forward it to the respective Regional Office as soon as a representative is chosen.

If your representative is an attorney, such attorney will receive exclusive service of all documents, except that you and your attorney will both receive those documents described in Casehandling Manual, Part One, Unfair Labor Practice Proceedings, Section 11842.3, available on the Agency's internet web page www.nlr.gov. However, your attorney may consent to have additional documents or correspondence served on you by making the appropriate designation on Form NLRB-4701, Notice of Appearance. If your representative is not an attorney, you and your representative may receive copies of all documents and correspondence.

Freedom of Information Act: Please be advised that, under the Freedom of Information Act, unfair labor practice charges and representation petitions are subject to prompt disclosure to members of the public upon request. In this regard, you may have received a solicitation by organizations or persons who have obtained public information concerning this matter and who seek to represent you before our Agency. You may be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board; their information regarding this matter is only that which must be made available to any member of the public.

Very truly yours,



DOROTHY L. MOORE-DUNCAN
Regional Director

Case assigned to: Brian Astrup
Telephone Number: (215)597-7648
Email: Brian.Astrup@nlrb.gov

Supervisor: Donald M. Spooner
Telephone Number: (215)597-7630
Email: Donald.Spooner@nlrb.gov

Enclosures

cc:

Robert C. Brody, 179 Post Road West, Westport, CT 06907

DLMD/jtj

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST LABOR ORGANIZATION
OR ITS AGENTS

DO NOT WRITE IN THIS SPACE

Case

04-CB-101752

Date Filed

4/1/13

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT

a. Name (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Teamsters Local 312	b. Union Representative to contact (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)
c. Address (Street, city, state, and ZIP code) 1 East 15th St. Chester Pa. 19013	d. Tel. No. 610-876 0391 e. Cell No. f. Fax No. g. e-Mail

h. The above-named organization(s) or its agents has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (list subsections) (1) (A) & (2) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)
(b) (6), (b) (7)(C) back listing
Since (b) (6), (b) (7)(C) I've been a member of Teamsters local 312 working (b) (6), (b) (7)(C) or (b) (6), (b) (7)(C) when laid off I'd approach the halls (b) (6), (b) (7)(C) for work & was repeatedly informed that 312 wasn't a hiring hall. When in fact a # of (b) (6), (b) (7)(C) buddies were routinely placed by (b) (6), (b) (7)(C) On March 14 I solicited my own work (Napp Grecco Const-973-4823500) (b) (6), (b) (7)(C) signed their book & was awaiting a call. 2 days later (b) (6), (b) (7)(C) on the job informed me that (b) (6), (b) (7)(C) of 312 went to the site & told (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) that all Teamsters hiring goes thru (b) (6), (b) (7)(C) (312)- 3 (b) (6), (b) (7)(C) subsequently put on (b) (6), (b) (7)(C) I was assaulted & thrown out of local 312 open members meeting for taking notes (on cue from (b) (6), (b) (7)(C))

3. Name of Employer NAPP GRECCO CONSTRUCTION	4a. Tel. No. 973-482-3500 b. Cell No. c. Fax No. d. e-Mail
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5. Location of plant involved (street, city, state and ZIP code) 1500 McCarter Highway, NEWARK, NJ	6. Employer representative to contact RANDY BETTS
7. Type of establishment (factory, mine, wholesaler, etc.) CONSTRUCTION	8. Identify principal product or service PIPELINE
9. Number of workers employed 20+	

10. (b) (6), (b) (7)(C) name of party filing charge (b) (6), (b) (7)(C)	11a. Tel. No. (b) (6), (b) (7)(C) b. Cell No. c. Fax No. d. e-Mail
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11. Address of party filing charge (street, city, state and ZIP code.) (b) (6), (b) (7)(C)

12. DECLARATION I declare that (b) (6), (b) (7)(C) read the above (b) (6), (b) (7)(C) that the statements therein (b) (6), (b) (7)(C) belief By (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (sign) (ing charge) (Print/type name and title or office, if any) (b) (6), (b) (7)(C) Address (b) (6), (b) (7)(C) (date) 3/29/13 (b) (6), (b) (7)(C)	Tel. No. (b) (6), (b) (7)(C) Cell No. Fax No. e-Mail (b) (6), (b) (7)(C)
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WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 04
615 CHESTNUT ST
STE 710
PHILADELPHIA, PA 19106-4413

Agency Website: www.nlrb.gov
Telephone: (215)597-7601
Fax: (215)597-7658

April 3, 2013

(b) (6), (b) (7)(C)

INTERNATIONAL BROTHERHOOD
OF TEAMSTERS LOCAL 312
1 E 15TH ST
CHESTER, PA 19013-3908

Re: INTERNATIONAL BROTHERHOOD OF
TEAMSTERS LOCAL 312 (NAPP
GRECCO CONSTRUCTION)
Case 04-CB-101752

Dear (b) (6), (b) (7)(C)

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney WILLIAM E. SLACK whose telephone number is (215)597-8207. If this Board agent is not available, you may contact RICHARD P. HELLER whose telephone number is (215)597-7633.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent.

April 3, 2013

Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

/s/ Dennis P. Walsh

DENNIS P. WALSH
Regional Director

Enclosure: Copy of Charge

cc: (b) (6), (b) (7)(C)
INTERNATIONAL BROTHERHOOD
OF TEAMSTERS LOCAL 312
1 EAST 1TH STREET
CHESTER, PA 19013

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

**INTERNATIONAL BROTHERHOOD OF
TEAMSTERS, AFL-CIO, LOCAL 312**

Charged Party

and

(b) (6), (b) (7)(C)

Charging Party

Case 04-CB-101752

AFFIDAVIT OF SERVICE OF CHARGE AGAINST LABOR ORGANIZATION

I, the undersigned employee of the National Labor Relations Board, state under oath that on April 3, 2013, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C)
INTERNATIONAL BROTHERHOOD OF
TEAMSTERS LOCAL 312
1 E 15TH ST
CHESTER, PA 19013-3908

(b) (6), (b) (7)(C)
INTERNATIONAL BROTHERHOOD OF
TEAMSTERS LOCAL 312
1 EAST 1TH STREET
CHESTER, PA 19013

April 3, 2013

Date

Janet T. Jackson
Designated Agent of NLRB

Name

/s/ Janet T. Jackson

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 04
615 CHESTNUT ST
STE 710
PHILADELPHIA, PA 19106-4413

Agency Website: www.nlrb.gov
Telephone: (215)597-7601
Fax: (215)597-7658

April 3, 2013

(b) (6), (b) (7)(C)

Re: INTERNATIONAL BROTHERHOOD OF
TEAMSTERS LOCAL 312 (NAPP
GRECCO CONSTRUCTION)
Case 04-CB-101752

Dear (b) (6), (b) (7)(C)

The charge that you filed in this case on April 1, 2013 has been docketed as case number 04-CB-101752. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge will be investigated by Field Attorney WILLIAM E. SLACK whose telephone number is (215)597-8207. If the Board agent is not available, you may contact RICHARD P. HELLER whose telephone number is (215)597-7633.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing)

April 3, 2013

through our website www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website www.nlr.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

/s/ Dennis P. Walsh

DENNIS P. WALSH
Regional Director



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 04
615 CHESTNUT ST
STE 710
PHILADELPHIA, PA 19106-4413

Agency Website: www.nlrb.gov
Telephone: (215)597-7601
Fax: (215)597-7658

April 3, 2013

RANDY BETTS
NAPP GRECCO CONSTRUCTION
1500 MCCARTER HWY
NEWARK, NJ 07104-3908

Re: INTERNATIONAL BROTHERHOOD OF
TEAMSTERS LOCAL 312 (NAPP
GRECCO CONSTRUCTION)
Case 04-CB-101752

Dear Mr. BETTS:

Enclosed is a copy of a charge that has been filed in this case. Although this charge is not filed against you, it is necessary for us to obtain information from you to determine whether we have jurisdiction over this case. In the future we may also need to obtain evidence from you concerning the merits of the charge. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge will be investigated by Field Attorney WILLIAM E. SLACK whose telephone number is (215)597-8207. If this Board agent is not available, you may contact RICHARD P. HELLER whose telephone number is (215)597-7633.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

April 3, 2013

If, during the investigation of this matter, the Board agent asks for evidence, I strongly urge you or your representative to promptly present all evidence relevant to the investigation. In this way, the case may be fully investigated more quickly.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at a hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. On all your correspondence regarding the charge, please include the case name and number indicated above.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures*, offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

/s/ Dennis P. Walsh

DENNIS P. WALSH
Regional Director

Enclosures

1. Copy of Charge
2. Commerce Questionnaire



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 4
615 CHESTNUT ST
STE 710
PHILADELPHIA, PA 19106-4413

Agency Website: www.nlrb.gov
Telephone: (215) 597-7601
Fax: (215) 597-7658

May 9, 2013

(b) (6), (b) (7)(C)

Re: International Brotherhood of Teamsters
Local 312
(Napp Grecco Construction)
Case 04-CB-101752

Dear (b) (6), (b) (7)(C):

We have carefully investigated and considered your charge that INTERNATIONAL BROTHERHOOD OF TEAMSTERS, AFL-CIO, LOCAL 312 has violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charge because there is insufficient evidence to establish a violation of the Act.

Your Right to Appeal: You may appeal my decision to the Acting General Counsel of the National Labor Relations Board, through the Office of Appeals. If you appeal, you may use the enclosed Appeal Form, which is also available at www.nlrb.gov. However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision to dismiss your charge was incorrect.

Means of Filing: An appeal may be filed electronically, by mail, or by delivery service. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax. To file an appeal electronically, go to the Agency's website at www.nlrb.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. To file an appeal by mail or delivery service, address the appeal to the Acting General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1099 14th Street, N.W., Washington D.C. 20570-0001. Unless filed electronically, a copy of the appeal should also be sent to me.

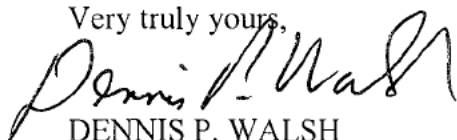
Appeal Due Date: The appeal is due on **Thursday, May 23, 2013**. If you file the appeal electronically, we will consider it timely filed if you send the appeal together with any other documents you want us to consider through the Agency's website so the transmission is completed by **no later than 11:59 p.m. Eastern Time** on the due date. If you mail the appeal or send it by a delivery service, it must be received by the Office of Appeals in Washington, D.C.

May 9, 2013

by the close of business at **5:00 p.m. Eastern Time** or be postmarked or given to the delivery service no later than **Wednesday, May 22, 2013**.

Extension of Time to File Appeal: Upon good cause shown, the Acting General Counsel may grant you an extension of time to file the appeal. A request for an extension of time may be filed electronically, by fax, by mail, or by delivery service. To file electronically, go to www.nlr.gov, click on **E-File Documents**, enter the NLRB Case Number and follow the detailed instructions. The fax number is (202)273-4283. A request for an extension of time to file an appeal **must be received on or before Thursday, May 23, 2013**. A request for an extension of time that is mailed or given to the delivery service and is postmarked or delivered to the service before the appeal due date but received after the appeal due date will be rejected as untimely. Unless filed electronically, a copy of any request for extension of time should be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,

DENNIS P. WALSH
Regional Director

Enclosure

cc

Acting General Counsel, Office of Appeals, Franklin Court Building, National Labor Relations Board, 1099 14th Street, NW, Washington, DC 20570

Lance Geren, Esquire, Freedman and Lorry P.C., 1601 Market Street, 2nd Floor, Philadelphia, PA 19103-2302

(b) (6), (b) (7)(C) [REDACTED], International Brotherhood of Teamsters Local 312,
1 East 15th Street, Chester, PA 19013-3908

(b) (6), (b) (7)(C) [REDACTED], International Brotherhood of Teamsters Local 312,
1 East 15th Street, Chester, PA 19013

Mr. Randy Betts, Napp Grecco Construction, 1500 McCarter Highway, Newark, NJ 07104-3908

DPW/lym

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
**CHARGE AGAINST LABOR ORGANIZATION
OR ITS AGENTS**

DO NOT WRITE IN THIS SPACE	
Case 04-CB-314725	Date Filed 03/24/23

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name Teamsters union local 107		b. Union Representative to contact (b) (6), (b) (7)(C) Title: (b) (6), (b) (7)(C)	
c. Address (Street, city, state, and ZIP code) 12275 Townsend Rd PA Philadelphia 19154		d. Tel. No. (215) 552-0070	e. Cell No. (b) (6), (b) (7)(C)
		f. Fax No.	g. e-Mail (b) (6), (b) (7)(C) @teamsters107.com
h. The above-named labor organization has engaged in and is engaging in unfair labor practices within the meaning of section 8(b) and (list subsections) (1)(A) _____ of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) --See additional page--			
3. Name of Employer Dhl express		4a. Tel. No. (800) 225-5345	b. Cell No.
		c. Fax No.	d. e-Mail
5. Location of plant involved (street, city, state and ZIP code) 550 Elmwood Ave PA Sharon Hill 19079			6. Employer representative to contact john nuttall
7. Type of establishment (factory, mine, wholesaler, etc.)	8. Identify principal product or service	9. Number of workers employed	
10. Full name of party filing charge (b) (6), (b) (7)(C)		11a. Tel. No. (b) (6), (b) (7)(C)	b. Cell No. (b) (6), (b) (7)(C)
		c. Fax No.	d. e-Mail (b) (6), (b) (7)(C)
11. Address of party filing charge (street, city, state and ZIP code.) (b) (6), (b) (7)(C)			
12. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.. (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (signature of representative or person making charge) (Print/type name and title or office, if any) (b) (6), (b) (7)(C) Address (date) 03/24/2023 10:37:13 AM		Tel. No. (b) (6), (b) (7)(C) Cell No. (b) (6), (b) (7)(C) Fax No. e-Mail (b) (6), (b) (7)(C)	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.

Basis of the Charge

8(b)(1)(A)

Within the previous six months, the above-named labor organization has restrained and coerced employees in the exercise of rights protected by Section 7 of the Act by refusing to process the Charging Party's grievance for arbitrary or discriminatory reasons or in bad faith.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 4
100 E Penn Square
Suite 403
Philadelphia, PA 19107

Agency Website: www.nlr.gov
Telephone: (215)597-7601
Fax: (215)597-7658



Download
NLRB
Mobile App

March 24, 2023

(b) (6), (b) (7)(C)

Teamsters Union Local 107
12275 Townsend Road
Philadelphia, PA 19154

Re: Teamsters Union Local 107
Case 04-CB-314725

Dear (b) (6), (b) (7)(C)

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner MARILU Arent whose telephone number is (215)597-7611. If this Board agent is not available, you may contact Supervisory Examiner CARA L. FIES-KELLER whose telephone number is (215)597-7636.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Correspondence: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, www.nlrb.gov. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. To ensure that you receive

important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Controlled Unclassified Information (CUI): This National Labor Relations Board (NLRB) proceeding may contain Controlled Unclassified Information (CUI). Subsequent information in this proceeding may also constitute CUI. National Archives and Records Administration (NARA) regulations at 32 CFR Part 2002 apply to all executive branch agencies that designate or handle information that meets the standards for CUI.

* * *

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, reading "Kimberly E. Andrews". The signature is written in a cursive, flowing style.

KIMBERLY E. ANDREWS
Regional Director

Enclosure: Copy of Charge

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

TEAMSTERS UNION LOCAL 107

Charged Party

and

(b) (6), (b) (7)(C)

Charging Party

Case 04-CB-314725

AFFIDAVIT OF SERVICE OF CHARGE AGAINST LABOR ORGANIZATION

I, the undersigned employee of the National Labor Relations Board, state under oath that on March 24, 2023, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C)
Teamsters Union Local 107
12275 Townsend Road
Philadelphia, PA 19154

March 24, 2023

Date

Shanda Washington,
Designated Agent of NLRB

Name

/s/ Shanda Washington

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 4
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Philadelphia, PA 19107

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Fax: (215)597-7658



Download
NLRB
Mobile App

March 24, 2023

(b) (6), (b) (7)(C)

Re: Teamsters union local 107
Case 04-CB-314725

Dear (b) (6), (b) (7)(C)

The charge that you filed in this case on March 24, 2023, has been docketed as case number 04-CB-314725. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner MARILU Arent whose telephone number is (215)597-7611. If this Board agent is not available, you may contact Supervisory Examiner CARA L. FIES-KELLER whose telephone number is (215)597-7636.

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If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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* * *

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB

office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, reading "Kimberly E. Andrews". The signature is written in a cursive, flowing style.

KIMBERLY E. ANDREWS
Regional Director

Enclosure

1. Important Information About NLRB Investigations for Immigrant Workers (English & Spanish)



Important Information About NLRB Investigations for Immigrant Workers



The National Labor Relations Act (NLRA) protects most private-sector employees, regardless of their immigration status. The NLRA gives employees the right to:

- Form, join, or assist a union to negotiate concerning wages and other working conditions.
- Discuss wages and other working conditions with coworkers, a union, a worker center, a government agency, the media, or the public.
- Take collective action with coworkers to try to improve wages and other working conditions.
- Choose not to take part in any of these actions.

Below is important information for you to know about our confidential investigation process:

- Because immigration status is not relevant as to whether there has been a violation of the NLRA:
 - We will **NOT** ask you about your immigration status.
 - You **DO NOT** need to share any information with us about your immigration status.
 - You **DO NOT** need to share information about the status of your current/former coworkers.
- We only enforce the NLRA and have **NO** involvement with the enforcement of immigration laws.
- We will **NOT** share any information about you with the Department of Homeland Security (DHS), including Immigration and Customs Enforcement (ICE), or any other immigration authorities, unless you request that we share your information to assist you with seeking immigration relief, as described in the last bulleted point of this document.
- If you have concerns about appearing at our offices for any reason, please speak with the Board Agent assigned to the case about other methods of participating in the investigation, including taking your affidavit outside of our office or by video.
- Our investigations are confidential, which means that we will **NOT** disclose your affidavit to an employer, unless you testify at a trial, or we seek a federal court injunction.
- If you are not comfortable communicating with us in English, we will make an interpreter available to provide assistance and information in your preferred language.
- If you are aware that an employer or union has engaged in any of the following conduct, please tell the Board Agent about it because it may violate the law:

- Threatening to call DHS or ICE or making other similar threats because you or other employees have engaged in union activity or other collective action to improve working conditions.
 - Asking employees to provide new or updated immigration documents/papers or reverifying employees' work authorization without a valid, non-discriminatory reason, which could violate the NLRA or other laws.
- If, at the end of the investigation, we determine there is merit to the charge (the employer or union has violated the law) and we have to litigate the case before an Administrative Law Judge, we will make every effort to prevent the employer or union from asking you about your immigration status.
- If you have filed a charge or are a witness and you or your representative tells us that there is NLRA protected activity at a worksite and immigration relief is necessary to protect employees who are exercising those rights or participating in the NLRB process, the NLRB will consider seeking immigration relief for employees at that worksite including deferred action, parole, U or T visa status, or other relief as available and appropriate. The NLRB cannot provide immigration advice. If you need immigration counsel, a list of providers of free legal services is available here:
<https://www.justice.gov/eoir/list-pro-bono-legal-service-providers>.

For more information on the NLRB, please visit our website, www.nlrb.gov.



Información Importante Acerca de las Investigaciones de la NLRB para los Trabajadores Inmigrantes



La Ley Nacional de Relaciones del Trabajo (NLRA por sus siglas en inglés) protege a la mayoría de los empleados del sector privado, independientemente de su estatus migratorio.

La NLRA les da a los empleados el derecho a:

- Formar, afiliarse o ayudar a una unión para negociar sobre los salarios y otras condiciones de trabajo.
- Discutir los salarios y otras condiciones de trabajo con los compañeros de trabajo, una unión, un centro de trabajadores, una agencia gubernamental, los medios de comunicación o el público.
- Tomar acciones colectivas con los compañeros de trabajo para tratar de mejorar los salarios y otras condiciones de trabajo.
- Optar por no participar en ninguna de estas acciones.

A continuación, le presentamos información importante que debe conocer acerca de nuestro proceso de investigación confidencial:

- Porque el estatus migratorio no es pertinente si ha habido una violación de la NLRA:
 - Nosotros **NO** le preguntaremos sobre su estatus migratorio.
 - Usted **NO NECESITA** compartir ninguna información con nosotros acerca de su estatus migratorio.
 - Usted **NO NECESITA** compartir ninguna información sobre el estatus [migratorio] de sus actuales/antiguos compañeros de trabajo.
- Sólo hacemos cumplir la NLRA y **NO** estamos involucrados en el cumplimiento de las leyes de inmigración.
- **NO** compartimos ninguna información sobre usted con el Departamento de Seguridad Nacional (DHS por sus siglas en inglés), incluyendo el Servicio de Inmigración y Control de Aduanas (ICE por sus siglas en inglés) o cualquier otra autoridad de inmigración, a menos que usted solicite que compartamos su información para ayudarlo a buscar alivio migratorio, como se describe en el último punto de este documento.
- Si tiene preocupaciones acerca de presentarse en nuestras oficinas por cualquier razón, por favor hable con el agente de la Junta asignado al caso sobre otras maneras de participar en la investigación, incluyendo tomar su declaración jurada fuera de nuestra oficina o por video.
- Nuestras investigaciones son confidenciales, lo que significa que **NO** divulgaremos su declaración jurada a un empleador, a menos que usted testifique en un juicio, o que busquemos un mandato judicial federal.
- Si no está cómodo/a comunicándose con nosotros en inglés, tendremos un intérprete disponible para proporcionarle asistencia e información en su idioma predilecto.

- Si usted sabe que un empleador o unión ha incurrido en alguna de las siguientes conductas, por favor infórmele al agente de la Junta ya que puede violar la ley:
 - Amenazar con llamar al DHS o al ICE o hacer otras amenazas similares porque usted u otros empleados han participado en actividades sindicales u otras acciones colectivas para mejorar las condiciones de trabajo.
 - Pedir a los empleados que proporcionen documentos/papeles de inmigración nuevos o actualizados o volver a verificar la autorización de trabajo de los empleados sin una razón válida y no discriminatoria, que podría violar la NLRA u otras leyes.
- Si, al final de la investigación, determinamos que el cargo tiene mérito (el empleador o la unión han violado la ley) y tenemos que litigar el caso frente a un Juez de Ley Administrativa, haremos todo lo posible para evitar que el empleador o la unión le pregunten sobre su estatus migratorio.
- Si usted ha presentado un cargo o es un testigo y usted o su representante nos dice que se hay una actividad protegida por la NLRA en un lugar de trabajo y que es necesario un alivio migratorio para proteger a los empleados que están ejerciendo esos derechos o participando en el proceso de la Junta Nacional de Relaciones del Trabajo (NLRB por sus siglas en ingles), la NLRB considerará la posibilidad de buscar un alivio migratorio para los empleados en ese lugar de trabajo, incluyendo la acción diferida, la libertad condicional, visas U o T u otro alivio en la medida en que esté disponible y sea apropiado. La NLRB no puede proporcionar asesoramiento de inmigración. Si necesita asesoramiento de inmigración, una lista de proveedores de servicios legales sin costo se encuentra disponible aquí (en inglés): <https://www.justice.gov/eoir/list-pro-bono-legal-service-providers>.

Para más información acerca de la NLRB, por favor visite nuestra página web, www.nlrb.gov.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 4
100 E Penn Square
Suite 403
Philadelphia, PA 19107

Agency Website: www.nlr.gov
Telephone: (215)597-7601
Fax: (215)597-7658



Download
NLRB
Mobile App

March 24, 2023

John Nuttall
DHL Express
550 Elmwood Ave
Sharon Hill, PA 19079

Re: Teamsters Union Local 107
Case 04-CB-314725

Dear Mr. Nuttall:

Enclosed is a copy of a charge that has been filed in this case. Although this charge is not filed against you, it is necessary for us to obtain information from you to determine whether we have jurisdiction over this case. In the future we may also need to obtain evidence from you concerning the merits of the charge. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner MARILU Arent whose telephone number is (215)597-7611. If this Board agent is not available, you may contact Supervisory Examiner CARA L. FIES-KELLER whose telephone number is (215)597-7636.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

If, during the investigation of this matter, the Board agent asks for evidence, I strongly urge you or your representative to promptly present all evidence relevant to the investigation. In this way, the case may be fully investigated more quickly.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Correspondence: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, www.nlrb.gov. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. To ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster

and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Controlled Unclassified Information (CUI): This National Labor Relations Board (NLRB) proceeding may contain Controlled Unclassified Information (CUI). Subsequent information in this proceeding may also constitute CUI. National Archives and Records Administration (NARA) regulations at 32 CFR Part 2002 apply to all executive branch agencies that designate or handle information that meets the standards for CUI.

* * *

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, reading "Kimberly E. Andrews". The signature is written in a cursive, flowing style.

KIMBERLY E. ANDREWS
Regional Director

Enclosures

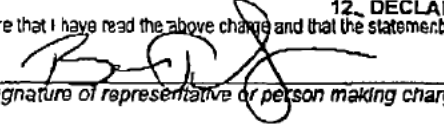
1. Copy of Charge
2. Commerce Questionnaire

INTERNET
FORM NLRB-508
(2-09)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST LABOR ORGANIZATION
OR ITS AGENTS

FORM EXEMPT UNDER 44 U.S.C. 3512

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
04-CC-104886	5-13-13

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name International Brotherhood of Teamsters Local 312		b. Union Representative to contact (b) (6), (b) (7)(C)	
c. Address (Street, city, state, and ZIP code) 1 East Fifteenth Street, Chester, PA 19013		d. Tel. No. (610) 876-0391	e. Cell No.
		f. Fax No. (610) 876-2306	g. e-Mail
h. The above-named organization(s) or its agents has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (list subsections) <u>(4)(ii)(A) and (4)(ii)(B)</u> of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) (4)(ii)(A): On May 10, 2013, Local 312, IBT, acting by and through its officers, agents, employees, members and representatives, has threatened, coerced and restrained HT Sweeney & Sons with the enforcement of an unlawful signatory subcontracting provision in the General President's Project Maintenance Agreement for Exelon Generation Company, LLC through the filing of a grievance under the Agreement's grievance and arbitration procedure. (4)(ii)(B): On May 10, 2013, Local 312, IBT, acting by and through its officers, agents, employees, members and representatives, has threatened, coerced and restrained HT Sweeney & Sons, and other neutral employers with a grievance under the General President's Project Maintenance Agreement's grievance and arbitration procedure with an object to either force or require HT Sweeney's subcontractor React Environmental to recognize and bargain with Teamsters Local 312 as the designated bargaining agent of React Environmental's employees working under the General President's Project Maintenance Agreement, or require HT Sweeney to cease doing business with React Environmental. SECTION 10(I) RELIEF IS REQUESTED			
3. Name of Employer HT Sweeney & Sons, Inc.		4a. Tel. No. (610) 872-8896	b. Cell No.
		c. Fax No. (610) 874-6730	d. e-Mail
5. Location of plant involved (street, city, state and ZIP code) Eddystone Fossil Generating Station, Eddystone, PA		6. Employer representative to contact Daniel J. Brennan Brian P. Shire	
7. Type of establishment (factory, mine, wholesaler, etc.) Common Situs Construction Project	8. Identify principal product or service Material Hauling	9. Number of workers employed	
10. Full name of party filing charge HT Sweeney & Sons, Inc.		11a. Tel. No. (610) 872-8896	b. Cell No.
		c. Fax No. (610) 874-6730	d. e-Mail
11. Address of party filing charge (street, city, state and ZIP code.) 308 Dutton Mill Road, Brookhaven, PA 19015			
12. DECLARATION I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief. By  Daniel J. Brennan; Brian P. Shire (signature of representative or person making charge) (Print/type name and title or office, if any) Susanin, Widman & Brennan, P.C. Address 1285 Drummers Lane, Suite 202, Wayne, PA 19087 (date) 5/10/13		Tel. No. (610) 710-4510 Cell No. Fax No. (610) 710-4520 e-Mail dbrennan@swbcounselors.com bshire@swbcounselors.com	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to conduct its proceedings.



SUSANIN WIDMAN & BRENNAN, PC
COUNSELLORS AT LAW

BRIAN P. SHIRE
bshire@swbcounsellors.com

May 10, 2013

Via Facsimile (215) 597-7658
And US Mail

Mr. Dennis Walsh
Regional Director
National Labor Relations Board, Region 4
615 Chestnut Street, 7th Floor
Philadelphia, PA 19106

Re: Teamsters Local 312
H.T. Sweeney & Sons, Inc.

Dear Mr. Walsh:

This firm represents H.T. Sweeney & Sons, Inc. ("H.T. Sweeney") in the above-referenced case.

I am enclosing copies of unfair labor practice charges which we are filing on behalf of H.T. Sweeney against Teamsters Local 312 for violations of sections 8(b)(4)(ii)(A), 8(b)(4)(ii)(B) and 8(e) of the NLRA. We are also requesting injunctive relief pursuant to section 10(l) of the NLRA.

If you have any questions, please contact me.

Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'B. Shire', written over the printed name 'Brian P. Shire'.

Brian P. Shire

BPS (b) (6), (b) (7)(C)

cc: (b) (6), (b) (7)(C) Teamsters Local 312 (w/enclosures)
Lance Geren, Esquire, Counsel for Teamsters Local 312 (w/enclosures)
Enclosures

1285 Drummers Lane, Suite 202, Wayne, Pennsylvania 19087 Tel: (610) 710-4510 Fax: (610) 710-4520
www.swbcounsellors.com



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 4
615 CHESTNUT ST
STE 710
PHILADELPHIA, PA 19106-4413

Agency Website: www.nlrb.gov
Telephone: (215)597-7601
Fax: (215)597-7658

May 13, 2013

(b) (6), (b) (7)(C)

International Brotherhood of Teamsters Local 31
1 East 15th Street
Chester, PA 19013-3908

Re: International Brotherhood of Teamsters
Local 312 (HT Sweeney & Sons, Inc.)
Case 04-CC-104886

Dear (b) (6), (b) (7)(C)

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney PETER C. VERROCHI whose telephone number is (215)597-7640. If this Board agent is not available, you may contact Supervisory Attorney RICHARD WAINSTEIN whose telephone number is (215)597-7636.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be

considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "Dennis P. Walsh". The signature is written in a cursive, flowing style.

DENNIS P. WALSH
Regional Director

Enclosure: Copy of Charge

cc: Lance Geren, Esquire
Freedman and Lorry, P.C.
1601 Market Street, 2nd Floor
Philadelphia, PA 19103-2302

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

**INTERNATIONAL BROTHERHOOD OF
TEAMSTERS LOCAL 312**

Charged Party

and

HT SWEENEY & SONS, INC.

Charging Party

Case 04-CC-104886

AFFIDAVIT OF SERVICE OF CHARGE AGAINST LABOR ORGANIZATION

I, the undersigned employee of the National Labor Relations Board, state under oath that on May 13, 2013, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C)

International Brotherhood of Teamsters Local
31
1 East 15th Street
Chester, PA 19013-3908

Lance Geren, Esquire
Freedman and Lorry, P.C.
1601 Market Street, 2nd Floor
Philadelphia, PA 19103-2302

May 13, 2013

Date

Edward Canavan, Designated Agent of
NLRB

Name

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 4
615 CHESTNUT ST
STE 710
PHILADELPHIA, PA 19106-4413

Agency Website: www.nlrb.gov
Telephone: (215)597-7601
Fax: (215)597-7658

May 13, 2013

HT SWEENEY & SONS, INC.
308 DUTTON MILL ROAD
BROOKHAVEN, PA 19015

Re: International Brotherhood of Teamsters
Local 312 (HT Sweeney & Sons, Inc.)
Case 04-CC-104886

Dear Sir or Madam:

The charge that you filed in this case on May 13, 2013 has been docketed as case number 04-CC-104886. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge will be investigated by Field Attorney PETER C. VERROCHI whose telephone number is (215) 597-7640. If the Board agent is not available, you may contact Supervisory Attorney RICHARD WAINSTEIN whose telephone number is (215) 597-7636.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our Website, www.nlrb.gov, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



DENNIS P. WALSH
Regional Director

Enclosure: Commerce Questionnaire

cc: BRIAN P. SHIRE, ESQUIRE
SUSANIN, WIDMAN & BRENNAN, P.C.
1285 DRUMMERS LANE
SUITE 202
WAYNE, PA 19087-1572

REACT ENVIRONMENTAL
PROFESSIONAL SERVICES GROUP, INC.
P.O. BOX 5377
6901 KINGSESSING AVENUE, SUITE 201
PHILADELPHIA, PA 19142



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 4
615 CHESTNUT ST
STE 710
PHILADELPHIA, PA 19106-4413

Agency Website: www.nlrb.gov
Telephone: (215)597-7601
Fax: (215)597-7658

June 21, 2013

BRIAN P. SHIRE, ESQ.
SUSANIN, WIDMAN & BRENNAN, P.C.
1285 DRUMMERS LANE
SUITE 202
WAYNE, PA 19087-1572

DANIEL J. BRENNAN, ESQ.
SUSANIN, WIDMAN & BRENNAN, P.C.
1285 DRUMMERS LANE
SUITE 202
WAYNE, PA 19087-1572

Re: International Brotherhood of Teamsters
Local 312 (HT Sweeney & Sons, Inc.)
Cases 04-CE-104882 and 04-CC-104886

Dear Mr. SHIRE and Mr. BRENNAN:

This is to advise you that I have approved the Charging Party's request to withdraw the charge in Case 04-CE-104882.

Conditional Decision to Dismiss: Based on the investigation, I have concluded that further proceedings with respect to the charge in Case 04-CC-104886 would not effectuate the purposes and policies of the Act, and I will dismiss your charge six months from this date unless a new meritorious charge is filed within that time alleging that the Charged Party has engaged in other conduct that renders the instant disposition inappropriate. Accordingly, I will hold your charge in abeyance for six months from the date of this letter. If a meritorious charge involving other unfair labor practices is filed against the Charged Party during that period, I will reconsider whether further proceedings on this charge are warranted. My reasons for conditionally dismissing this charge are set forth below.

The investigation disclosed that the Union violated Section 8(b)(4)(ii)(A) and (B) of the Act when it filed a grievance on May 10, 2013 against Charging Party H.T. Sweeney and Sons, Inc. challenging Sweeney's subcontracting of certain work to React Environmental Professional Services Group, Inc., an employer that is not bound to a collective bargaining agreement with the

Union. The subcontracted work involved the cartage of coal residue from Exelon's Eddystone Generating Station to the Cumberland County Solid Waste Complex for disposal. By filing the grievance, the Union sought to apply to this off-jobsite cartage work certain provisions of the General President's Project Maintenance Agreement (GPPMA), a collective-bargaining agreement between unions and contractors performing work on Exelon jobsites. Those provisions require that when contractors signatory to the GPPMA subcontract work, the subcontractor must become bound to the GPPMA. Section 8(e) of the Act generally prohibits such union signatory subcontracting provisions, see *Food and Commercial Workers Local 1442 (Ralph's Grocery)*, 271 NLRB 697, 697 (1984), but Section 8(e)'s construction industry proviso exempts agreements relating to the subcontracting of work "at the site of the construction." However, it is well established that the cartage of materials from a jobsite for disposal is not jobsite work that falls within Section 8(e)'s proviso. See *Joint Council of Teamsters No. 42 (Associated General Contractors of California)*, 248 NLRB 808, 815 (1980); see also *Teamsters Local 166 (Shank/Balfour Beatty)*, 327 NLRB 449 (1999); *Operating Engineers Local 3 (Stukel Rock)*, 271 NLRB 921 (1984). Thus, the Union's grievance, by seeking an arbitral award requiring the application of a union signatory subcontracting provisions to offsite cartage work, violated Section 8(b)(4)(ii)(A) and (B) of the Act. See *Newspaper and Mail Deliverers' Union of New York (New York Post)*, 337 NLRB 608 (2002). However, on May 29, 2013, the Union orally withdrew the portions of the grievance that pertained to the work performed by React, and confirmed its withdrawal by letter dated June 5, 2013. In light of the relatively brief period during which the grievance was pending, and the absence of other conduct inconsistent with its withdrawal or recent findings that the Union has violated Section 8(b)(4)(ii)(A) or (B) of the Act, it was concluded that it would not effectuate the purposes of the Act to institute further proceedings at this time. Accordingly, subject to the conditions set forth herein, I am refusing to issue Complaint in this matter.

Your Right to Appeal: You may appeal my decision to the Acting General Counsel of the National Labor Relations Board, through the Office of Appeals. If you appeal, you may use the enclosed Appeal Form, which is also available at www.nlr.gov. However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision to dismiss your charge was incorrect.

Means of Filing: An appeal may be filed electronically, by mail, or by delivery service. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax. To file an appeal electronically, go to the Agency's website at www.nlr.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. To file an appeal by mail or delivery service, address the appeal to the Acting General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1099 14th Street, N.W., Washington D.C. 20570-0001. Unless filed electronically, a copy of the appeal should also be sent to me.

Appeal Due Date: The appeal is due on **July 5, 2013**. If you file the appeal electronically, we will consider it timely filed if you send the appeal together with any other documents you want us to consider through the Agency's website so the transmission is completed by **no later than 11:59 p.m. Eastern Time** on the due date. If you mail the appeal or send it by a delivery service, it must be received by the Office of Appeals in Washington, D.C. by the close of business at **5:00 p.m. Eastern Time** or be postmarked or given to the delivery service no later than **July 4, 2013**.

Extension of Time to File Appeal: Upon good cause shown, the Acting General Counsel may grant you an extension of time to file the appeal. A request for an extension of time may be filed electronically, by fax, by mail, or by delivery service. To file electronically, go to www.nlr.gov, click on **E-File Documents**, enter the NLRB Case Number and follow the detailed instructions. The fax number is (202)273-4283. A request for an extension of time to file an appeal **must be received on or before July 5, 2013**. A request for an extension of time that is mailed or given to the delivery service and is postmarked or delivered to the service before the appeal due date but received after the appeal due date will be rejected as untimely. Unless filed electronically, a copy of any request for extension of time should be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,

/s/ Dennis P. Walsh

DENNIS P. WALSH
Regional Director

Enclosure

cc ACTING GENERAL COUNSEL
OFFICE OF APPEALS
FRANKLIN COURT BUILDING
NATIONAL LABOR RELATIONS
BOARD
1099 14TH STREET, NW
WASHINGTON, DC 20570

LANCE GEREN, ESQ.
FREEDMAN & LORRY PC
1601 MARKET STREET
2ND FLOOR
PHILADELPHIA, PA 19103-2302

(b) (6), (b) (7)(C)
INTERNATIONAL BROTHERHOOD
OF TEAMSTERS LOCAL 31
1 EAST 15TH STREET
CHESTER, PA 19013-3908

HT SWEENEY & SONS, INC.
308 DUTTON MILL ROAD
BROOKHAVEN, PA 19015

REACT ENVIRONMENTAL
PROFESSIONAL SERVICES GROUP,
INC.
P.O. BOX 5377
6901 KINGSESSING AVENUE
SUITE 201
PHILADELPHIA, PA 19142



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 04
615 Chestnut St Ste 710
Philadelphia, PA 19106-4413

Agency Website: www.nlrb.gov
Telephone: (215)597-7601
Fax: (215)597-7658

March 11, 2014

BRIAN P. SHIRE, ESQUIRE
SUSANIN, WIDMAN & BRENNAN, P.C.
1285 DRUMMERS LANE, SUITE 202
WAYNE, PA 19087-1572

DANIEL J. BRENNAN, ESQUIRE
SUSANIN, WIDMAN & BRENNAN, P.C.
1285 DRUMMERS LANE, SUITE 202
WAYNE, PA 19087-1572

Re: International Brotherhood of Teamsters
Local 312 (HT Sweeney & Sons, Inc.)
Case 04-CC-104886

Gentlemen:

We have carefully investigated and considered your charge that TEAMSTERS LOCAL 312 has violated the National Labor Relations Act.

Decision to Dismiss: On June 21, 2013, I informed you I would dismiss this charge unless I decided that the Charged Party had committed additional violations of the Act that would make dismissal of your charge inappropriate. Since that has not happened, I am dismissing your charge.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals. If you appeal, you may use the enclosed Appeal Form, which is also available at www.nlrb.gov. However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax or email. To file an appeal electronically, go to the Agency's website at www.nlrb.gov, click on **E-File Documents**, enter the **NLRB Case Number**, and follow the detailed instructions. To file an appeal by mail or delivery service, address the appeal to the **General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1099 14th Street, N.W., Washington D.C. 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

Appeal Due Date: The appeal is due on **March 25, 2014**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than March 24, 2014. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before March 25, 2014**. The request may be filed electronically through the *E-File Documents* link on our website www.nlrb.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after March 25, 2014, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,

/s/ Dennis P. Walsh

DENNIS P. WALSH
Regional Director

Enclosure

cc: HT SWEENEY & SONS, INC.
308 E DUTTON MILL ROAD
BROOKHAVEN, PA 19015-1109

REACT ENVIRONMENTAL
PROFESSIONAL SERVICES GROUP, INC.
6901 KINGSESSING AVENUE, SUITE 201
P.O. BOX 5377
PHILADELPHIA, PA 19142-0377

(b) (6), (b) (7)(C)

TEAMSTERS LOCAL 312
1 EAST 15TH STREET
CHESTER, PA 19013-3908

LANCE GEREN, ESQUIRE
FREEDMAN AND LORRY, P.C.
1601 MARKET STREET, SUITE 1500
PHILADELPHIA, PA 19103-2316

DPW/jmd

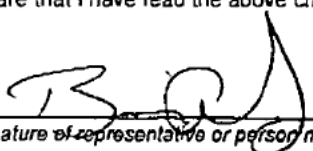
INTERNET
FORM NLRB-509
(2-08)

UNITED STATES OF AMERICA

FORM EXEMPT UNDER
44 U.S.C. 3512

NATIONAL LABOR RELATIONS BOARD

CHARGE ALLEGING UNFAIR LABOR PRACTICE UNDER SECTION 8(e) OF THE NLRA

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.			
CASE NUMBER 04-CE-104882		DATE FILED 5-13-13	
1. CHARGE FILED AGAINST			
Employer and Labor Organization <input type="checkbox"/> Employer <input type="checkbox"/> Labor Organization <input checked="" type="checkbox"/>			
a. Name of Labor Organization (Give full name, including local name and number) International Brotherhood of Teamsters Local 312		c. Tel. No. (610) 876-0391	
b. Union Representative to Contact (b) (6), (b) (7)(C)		d. Cell No.	
g. Address (Street and number, city, State, and ZIP Code) 1 East Fifteenth Street, Chester, PA 19013		e. Fax No. (610) 876-2306	
		f. e-Mail	
h. Name of Employer		i. Tel. No.	
m. Employer Representative to Contact		j. Cell No.	
n. Location of Plant Involved (Street, City State, and ZIP Code)		k. Fax No.	
		l. e-Mail	
o. Type of Establishment (Factory, mine, wholesaler, etc.) Common Situs Construction Project		p. Identify Principle Product or Service Off-site Material Hauling	
q. No. of Workers Employed			
The above-named labor organization or its agents, and/or employer has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section 8(e) of the National Labor Relations Act, and these unfair labor practices are unfair labor practices affecting commerce within the meaning of the Act.			
2. Basis of the Charge (Be Specific as to facts, names, plants involved, dates, places, etc.) See Attached. Section 10(l) injunctive relief is requested.			
3. Full Name of Party Filing Charge (If labor organization, give full name, including local name and number) HT Sweeney & Sons, Inc.		b. Tel. No. (610) 872-8896	
a. Address (Street and number, city, State, and ZIP Code) 308 Dutton Mill Road, Brookhaven, PA 19015		c. Cell No.	
		d. Fax No. (610) 874-6730	
		e. e-Mail	
4. Full Name of National or International Labor Organization of Which It Is an Affiliate or Constituent Unit (To be filled in when charge is filed by a labor organization)			
5. DECLARATION I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief.		Tel. No. (610) 710-4510	
By  (signature of representative or person making charge)		Cell No.	
Susanin, Widman & Brennan, P.C. (Print type name and title or office, if any)		Fax No. (610) 710-4520	
		e-Mail dbrennan@swbcounsellors.com	
Address 1285 Drummers Lane, Suite 202, Wayne, PA 19087 (date) 5/10/13			

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

8(e):

On or about April 14, 2013, Teamsters Local 312, acting by and through its officers, agents, employees, members and representatives, entered into the General President's Project Maintenance Agreement for Exelon Generation Company, LLC, (the "GPPM Agreement") with HT Sweeney & Sons, Inc., concerning work performed at Eddystone Fossil Generating Station, Eddystone, Pennsylvania. The GPPM Agreement requires HT Sweeney and its subcontractors of whatever tier to sign a Letter of Assent agreeing to be bound by the GPPM Agreement. The GPPM Agreement also requires that all maintenance and modification work performed at the Eddystone facility be performed by employees represented by a Union. The GPPM Agreement expressly defines "maintenance" and "modification" work. Neither definition limits the maintenance or modification work to exclusively cover work to be performed at the site of construction. Teamsters Local 312 filed a grievance against HT Sweeney under the GPPM Agreement on May 10, 2013 because HT Sweeney's subcontractor, React Environmental, did not sign the Letter of Assent and is using employees who are not represented by a Union to drive contaminated fill from the jobsite to a remote, off-site location in New Jersey.

{00048959;}



SUSANIN WIDMAN & BRENNAN, PC
COUNSELLORS AT LAW

BRIAN P. SHIRE
bshire@swbcounselors.com

May 10, 2013

Via Facsimile (215) 597-7658
And US Mail

Mr. Dennis Walsh
Regional Director
National Labor Relations Board, Region 4
615 Chestnut Street, 7th Floor
Philadelphia, PA 19106

Re: Teamsters Local 312
H.T. Sweeney & Sons, Inc.

Dear Mr. Walsh:

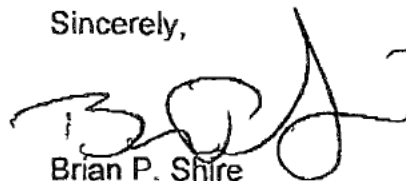
This firm represents H.T. Sweeney & Sons, Inc. ("H.T. Sweeney") in the above-referenced case.

I am enclosing copies of unfair labor practice charges which we are filing on behalf of H.T. Sweeney against Teamsters Local 312 for violations of sections 8(b)(4)(ii)(A), 8(b)(4)(ii)(B) and 8(e) of the NLRA. We are also requesting injunctive relief pursuant to section 10(l) of the NLRA.

If you have any questions, please contact me.

Thank you for your assistance.

Sincerely,



Brian P. Shire

BPS (b) (6), (b) (7)

cc: (b) (6), (b) (7)(C) Teamsters Local 312 (w/enclosures)
Lance Geren, Esquire, Counsel for Teamsters Local 312 (w/enclosures)
Enclosures



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 4
615 CHESTNUT ST
STE 710
PHILADELPHIA, PA 19106-4413

Agency Website: www.nlr.gov
Telephone: (215)597-7601
Fax: (215)597-7658

May 13, 2013

(b) (6), (b) (7)(C)
INTERNATIONAL BROTHERHOOD
OF TEAMSTERS LOCAL 31
1 EAST 15TH STREET
CHESTER, PA 19013-3908

Re: International Brotherhood of Teamsters
Local 312 (HT Sweeney & Sons, Inc.)
Case 04-CE-104882

Dear (b) (6), (b) (7)(C)

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney PETER C. VERROCHI whose telephone number is (215)597-7640. If this Board agent is not available, you may contact Supervisory Attorney RICHARD WAINSTEIN whose telephone number is (215)597-7636.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "Dennis P. Walsh". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

DENNIS P. WALSH
Regional Director

Enclosure: Copy of Charge

cc: LANCE GEREN, ESQUIRE
FREEDMAN AND LORRY, P.C.
1601 MARKET STREET, 2ND FLOOR
PHILADELPHIA, PA 19103-2302

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

**INTERNATIONAL BROTHERHOOD OF
TEAMSTERS LOCAL 312**

Charged Party

and

HT SWEENEY & SONS, INC.

Charging Party

Case 04-CE-104882

AFFIDAVIT OF SERVICE OF CHARGE

I, the undersigned employee of the National Labor Relations Board, state under oath that on May 13, 2013, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C)
INTERNATIONAL BROTHERHOOD
OF TEAMSTERS LOCAL 31
1 EAST 15TH STREET
CHESTER, PA 19013-3908

LANCE GEREN, ESQUIRE
FREEDMAN AND LORRY, P.C.
1601 MARKET STREET, 2ND FLOOR
PHILADELPHIA, PA 19103-2302

May 13, 2013

Date

Edward P. Canavan
Designated Agent of NLRB

Name

/s/ Edward P. Canavan

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 4
615 CHESTNUT ST
STE 710
PHILADELPHIA, PA 19106-4413

Agency Website: www.nlrb.gov
Telephone: (215)597-7601
Fax: (215)597-7658

May 13, 2013

HT SWEENEY & SONS, INC.
308 DUTTON MILL ROAD
BROOKHAVEN, PA 19015

Re: International Brotherhood of Teamsters
Local 312 (HT Sweeney & Sons, Inc.)
Case 04-CE-104882

Dear Sir or Madam:

The charge that you filed in this case on May 13, 2013¹³³:May 13, 2013 has been docketed as case number 04-CE-104882. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge will be investigated by Field Attorney PETER C. VERROCHI whose telephone number is (215) 597-7640. If the Board agent is not available, you may contact Supervisory Attorney RICHARD WAINSTEIN whose telephone number is (215) 597-7636.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our Website, www.nlrb.gov, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



DENNIS P. WALSH
Regional Director

Enclosure: Commerce Questionnaire

cc: BRIAN P. SHIRE, ESQUIRE
SUSANIN, WIDMAN & BRENNAN, P.C.
1285 DRUMMERS LANE
SUITE 202
WAYNE, PA 19087-1572

REACT ENVIRONMENTAL
PROFESSIONAL SERVICES GROUP, INC.
P.O. BOX 5377
6901 KINGSESSING AVENUE, SUITE 201
PHILADELPHIA, PA 19142